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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,664	12/28/2000	Erwin Adrianus Richardus Van Der Linden	0142-0342P	8704
2292	7590	06/16/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				RAHIMI, IRAJ A
		ART UNIT		PAPER NUMBER
				2622

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/749,664	VAN DER LINDEN ET AL.
	Examiner	Art Unit
	(Iraj) Alan Rahimi	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 December 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-39 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 28 December 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. In papers filed on December 3, 2004 applicant amended claims 1, 10, 25, 32 and 39.

Applicant also added claims 38-39.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 3-37 have been considered but are moot in view of the new ground(s) of rejection. Claim 2 that was previously indicated as allowable subject matter is withdrawn in light of new art.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 32 is rejected under U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim is drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

“Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.”

“Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure’s functionality to be realized.”

Claim 32, while defining a software, does not define a “computer-readable medium” and is thus non-statutory for that reasons. A software can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on “computer-readable medium” in order to make the claim statutory.

“In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” - MPEP 2106.IV.B.1(a)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. *Claims 1-7, 17-22, 25, 26 and 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund (US patent 5,666,215).*

Regarding claim 1, Fredlund discloses a method for submitting print jobs from a client to a reproduction center via a network, a print job including document data and job specifications regarding processing of said document data, the method comprising the steps of: creating, on the side of the reproduction center, a job submission form description indicating job specification options currently available at the reproduction center, said

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submission form description being suitable for electronic transmission via the network to a client and for generating, on the side of the client, a submission form capable of being filled-in electronically by the client (column 4, lines 58-67; column 5, lines 1-5 and 32-51);

submitting a job request including document data (image data is considered same as document data) for a document to be printed, from a client to the reproduction center (column 3, lines 19-36); and

receiving said job request at the reproduction center and in reaction creating an electronic document file, storing the document data therein, and sending the submission form description to the client (column 3, lines 19-36; although Fredlund teaches sending the order form by mail to customer, it is obvious that with having network connectivity for communication between the computer 26 and customer's computer as described in column 4, lines 37-45, the order form could be sent electronically and filled out by customer electronically. The motivation to do so would have been to save shipping cost.);

receiving the submission form description at the client and locally generating a corresponding submission form (column 3, lines 36-41);

filling in job specifications in said corresponding submission form at the client and submitting the filled-in submission form from the client to the reproduction center (column 8, lines 45-63); and

receiving the filled-in submission form at the reproduction center and storing the job specifications in an electronic job ticket linked to said document file (column 8, lines 45-63).

Regarding claim 2, Fredlund discloses the method according to claim 1, wherein said

electronic job ticket is created upon receipt of said job request as an empty data structure, and said job specifications are stored in the job ticket upon receipt of the submission form from the client (Column 3, lines 30-36). By sending the film to the processing lab, customer has initiated a job request. Scanning the processed film and storing it by the processing lab and assigning a customer identification number is considered to be equivalent with empty data structure awaiting the ordering information.

Regarding claim 3, Fredlund discloses the method according to claim 1, wherein said electronic job ticket is created and the job specifications stored therein upon receipt of the submission form from the client (Fig. 3-5).

Regarding claim 4, Fredlund discloses the method according to claim 1, wherein the document data are transmitted to the reproduction center and are then, at the reproduction center, transformed into a format suitable for printing on a printer that has been selected for that purpose (column 8, lines 45-63).

Regarding claim 5, Fredlund discloses the method according to claim 1, wherein the document data transmitted to the reproduction center are converted there into a format suitable for showing the final appearance of the printed document and are upon request transmitted in this format to the client for preview purposes (column 5, lines 14-21 and 52-61).

Regarding claim 6, Fredlund discloses the method according to claim 1, wherein internet transmission protocols are used for data traffic between the client and the reproduction center (column 4, lines 37-45).

Regarding claim 7, Fredlund discloses the method according to claim 6, wherein the submission form description is transmitted to the client as a program code that is interpreted at the client to electronically create the submission form and allow the client to interact with the reproduction center by entering information and commands into the submission form (column 4, lines 58-67 and column 5, lines 1-21).

Regarding claims 17, 19, 21, 30, 33 and 34 arguments analogous to those presented for claim 5, are applicable.

Regarding claims 18, 20 and 22 arguments analogous to those presented for claim 6, are applicable.

Regarding claim 25, arguments analogous to those presented for claim 1, are applicable.

Regarding claim 26, arguments analogous to those presented for claim 7, are applicable.

Regarding claims 31, and 32, arguments analogous to those presented for claim 4, are applicable.

Regarding claim 35, Fredlund does not specifically disclose the article according to claim 32, wherein the third program code segment does not send the submission form if a user enters a cancel command. However it is well known in the art that execution of cancel command will cause instruction for processing the function are halted. Therefore, it would have been obvious to a person skilled in the art, at the time of invention to use the cancel button to stop submission form.

Regarding claim 36, Fredlund does not specifically disclose the article according to claim 25, wherein the software is embodied on a computer-readable medium. However it is well known in the art that software is recorded on computer readable medium.

Regarding claim 37 arguments analogous to those presented for claim 36 are applicable.

Regarding claim 38, arguments analogous to those presented for claim 5, are presented.

Regarding claim 39, arguments analogous to those presented for claim 1 and 2, are presented.

6. *Claims 8, 9, 10, 11, 16 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund (US patent 5,666,215) in view of Leong et al. (US patent 6, 687, 018).*

Regarding claim 8, Fredlund does not disclose the method according to claim 1, further comprising:

updating, at the reproduction center, information on print capabilities of available printers in the reproduction center; and

automatically selecting one of the available printers for a print job on the basis of said information.

Leong discloses in column 5, lines 11-39, querying the printer capability and updating a database and sending the print jobs to the printer capable of performing the job.

Fredlund and Leong are combinable because they are from the same field of endeavor that is image reproduction.

At the time of the invention, it would have been obvious to a person ordinary skill in the art to dynamically modify the database to reflect the printer capability.

The suggestion/motivation for doing so would have been to automatically update the printer/copier settings without any human intervention.

Therefore, it would have been obvious to combine the Leong with Fredlund to obtain the invention as specified in claim 9.

Regarding claim 9, Leong discloses the method according to claim 1, further comprising:

automatically updating, at the reproduction center, information on print capabilities of printers available in the reproduction center; and

automatically updating said submission form description in conformity with said information (column 5, lines 11-38).

Regarding claim 10, Fredlund discloses a reproduction system for processing print jobs, a print job including document data and print data and print job specifications regarding processing of said document data, the system, comprising:

a reproduction center (photo processing center 14) including a print engine (column 3, lines 19-36;

a client computer having printer driver software installed and connected to the reproduction center through a data network (column 4, lines 54-67 & column 5, lines 1-50);

a print server 104 programmed to communicate, as a virtual printer, with printer driver software installed on said client computer,

the server including;

a creation module for creating a job submission form description indicating job specification options currently available at the reproduction center, said submission form description being suitable for electronic transmission via the network to a client and for generating on the side of the client, a submission form capable of being electronically filled-in by the client with print job specifications (Fig. 3-5; although Fredlund teaches sending the order form by mail to customer, it is obvious that with having network connectivity for communication between the computer 26 and customer's computer as described in column 4, lines 37-45, the order form could be sent electronically and filled out by customer electronically.

The motivation to do so would have been to save shipping cost.),

a receiving module (computer 26) for receiving a print job request including document data from the driver software in a client computer and for storing said document data,

a sending module activatable upon reception of said print job request, for sending said job submission form description the client computer (column 3, lines 19-36),

a second receiving module for receiving a filled-in job submission form from the client computer, and (column 3, lines 37-41; column 4, lines 37-45)

a linking module for linking the print job specifications in the received job submission form with said stored document data (column 3, lines 30-36).

Regarding claim 11, Fredlund discloses the reproduction system according to claim 10, wherein said driver software includes a printer driver which can be called up from a desktop application installed on the client computer (column 4, lines 46-67).

Regarding claims 16 and 27-29 arguments analogous to those presented for claim 8, are applicable.

7. *Claims 12, 13, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund (US patent 5,666,215) in view of Wake et al. (US patent 6,587,861).*

Regarding claim 12, Fredlund does not disclose the reproduction system according to claim 11, wherein the driver software further includes a daemon activated by said printer driver or by the occurrence of a file created by said printer driver, said daemon functioning to establish a data connection between the client computer and the print server.

Wake et al. discloses the reproduction system according to claim 11, wherein the driver software further includes a daemon activated by said printer driver or by the occurrence of a file created by said printer driver, said daemon functioning to establish a data connection between the client computer and the print server (column 10, lines 43-46).

Fredlund and Wake are combinable because they are from the same field of endeavor that is processing print jobs in a network printing system.

At the time of invention it would have been obvious to a person skilled in the art, to have a have the daemon establish data connection between the client and the print server.

The suggestion/motivation to do so would have been easy transfer of image files to the printer.

Therefore, it would have been obvious to combine Fredlund with Wake to obtain the invention as specified in claim 12.

Regarding claim 13, Wake discloses the reproduction system according to claim 10, wherein the print server includes

a file transfer server (web server 204) for exchanging document data with the client computer,

a memory 104 for storing document files received from the client computer in the form of a database,

a memory 104 for storing active server pages for communication via a server with said driver software, and

a job ticket store 104 for storing the contents of the submission form received through

said server as a database.

Regarding claims 23 and 24 arguments analogous to those presented for claim 13, are applicable.

8. *Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund (US patent 5,666,215) in view of Leiman (US patent 6,469,796).*

Regarding claim 14, Fredlund does not disclose the reproduction system according to claim 13, further comprising:

a device capabilities store storing information on the capabilities of each printer available in the reproduction center; and

a scheduler communicating with the job ticket store and the device capabilities store and automatically routing each job to a printer capable of executing the job.

Leiman discloses a device capabilities store (resource manager 133) storing information on the capabilities of each printer available in the reproduction center (column 5, lines 34-37); and

a scheduler communicating with the job ticket store and the device capabilities store and automatically routing each job to a printer capable of executing the job (column 5, lines 34-37).

Fredlund and Leiman are combinable because they are from the same field of endeavor that is network printing systems.

At the time of invention it would have been obvious to a person skilled in the art to store capability of available printer.

The suggestion/motivation to do so would have been reduce burden on the user/operator in keeping up with specific printer capabilities especially as new ones are added.

Therefore, it would have been obvious to combine Fredlund with Leiman to obtain the invention as specified in claim 14.

Regarding claim 15, Leiman discloses the reproduction system according to claim 10, further comprising:

an operator console connected to said print server for editing said job submission form description (Fig. 5).

Other Prior Art Cited

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Stofell et al. (US patent 6,412,990) discloses an apparatus for photofinishing.

Williams et al. (US patent 6,388,732) discloses an apparatus for producing digital photographic prints.

Shiota (US Patent Application Publication 2002/0013742) discloses network photograph service system.

Blinn et al. (US patent 6,058,373) discloses a system for processing electronic order forms.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 571-272-7411. The examiner can normally be reached on Mon.-Fri. 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

AR
Alan Rahimi

June 3, 2005

JL
TWYLER LAMB
PRIMARY EXAMINER